

Appendix D: Special Populations: Persons with Disabilities

There are many opportunities in Virginia for most citizens to enjoy a wide variety of outdoor recreational experiences, including boating, hunting, fishing, hiking, bicycling, horseback riding, swimming, picnicking, camping, nature observation and sightseeing. However, many citizens with disabilities lack opportunities to participate in such activities. It's important for recreation planners and providers to understand some of the barriers persons with disabilities might face that may limit their participation. Physical, social, emotional, transportation and financial barriers can then be addressed during the planning and implementation phases of recreational program and facility development.

One of the biggest obstacles that persons with disabilities (i.e., physical, sensory and mental impairments) might face is an attitudinal barrier. Today's society is more conscious of the need for greater accessibility for everyone. Attitudes are slowly changing, and many positive steps are being taken to help create better access. Although many barriers to participation still exist, they frequently can be eliminated by educating staff about the abilities and needs of persons with disabilities. Once staff members are aware of the barriers, the necessary program or facility modifications can be made to increase accessibility. Often, only minor adjustments are needed. Some examples of program modification include: modifying rules, regulations, equipment and methods of communicating. Facility modification includes removing environmental or architectural barriers.

It is important for recreation providers to recognize that citizens with disabilities have the same varied personalities, experiences, capabilities and leisure interests as the general population. They expect to have the opportunity to participate in a wide variety of outdoor recreational experiences and enjoy the same satisfactions and benefits from these activities as everyone else. They also expect to participate in integrated leisure activities with their families, friends and other park visitors.

Current estimates indicate that approximately 12% of Virginians have disabilities that significantly impact their daily living, including their leisure lifestyle. The total number of people impacted increases significantly when the many family members and friends who recreate with them are added. This number is expected to increase as baby boomers age and life spans increase because senior adults can be expected to develop some of the disabilities often accompanying the normal aging process. In addition, modern medicine is saving more lives and individuals may live many years with major disabilities.

Often programs and facilities may be accessible to persons with disabilities without special adaptations or modifications. But to ensure access, various aspects of accessibility should be incorporated into planning, developing and designing all recreational facilities and programs. Incorporating accessibility initially into facility design and construction can be relatively inexpensive.

Maintenance is important when ensuring accessibility. Well-designed, but poorly maintained facilities are often inaccessible. During construction, renovation or the installation of equipment, it is important to ensure that specifications for accessibility are followed. For example, relatively accessible playground equipment, when installed incorrectly or completely surrounded by

landscape timbers without a cut-away, can be virtually inaccessible to children or parents with disabilities.

It is not acceptable to merely design accessible facilities when the programs themselves are not accessible or available to everyone. For example, a beautifully designed and fully accessible visitor center at a park is of little value to a person who can enter the facility and navigate around it but not actually experience the programs offered. A few illustrations of programmatic barriers are listed below:

- Display cases too high for a wheelchair user to view.
- Printed information on exhibits or in park brochures that is not presented audibly, in Braille, large print or through other methods usable to persons with visual impairments.
- Environmental interpretation without an interpreter for hearing-impaired persons.
- Slide presentations without closed captioning for persons with hearing impairments.
- A reservation system for campsites, picnic shelters, cabins, etc. that doesn't include a TDD/TTY/TT telephone number for persons with hearing impairments and the ability to make reservations on-line.
- Attitudinal barriers created by staff who limit disabled visitors by not allowing a person with a disability to participate in an activity due to extreme caution or lack of knowledge about equipment or programs.

Park and recreation agencies should be committed to serving everyone in the population. Agency policies should clearly indicate the commitment to providing barrier-free or accessible recreational programs and facilities. Developing a policy on accessibility is not enough. Specific procedures also should be established for implementing and enforcing this policy.

Staff training also needs to be provided to ensure that employees are aware of specific policies related to accessibility and the agency's commitment to follow them. Staff must have necessary technical information to implement these policies, e.g., facility design standards and guidelines for removing programmatic barriers. In addition, the staff should understand and appreciate the possibility that persons with disabilities may have special needs.

Representation and involvement of persons with disabilities on committees, advisory boards, etc. is recommended to provide valuable insight into planning and providing accessible services, programs and facilities.

Legislative requirements

Various federal and state legislation has been passed to provide facility and programmatic accessibility to persons with disabilities. The most far-reaching legislation that potentially impacts many is the *Americans With Disabilities Act (ADA)*, signed into law July of 1990.

The *Americans with Disabilities Act* of 1990 (PL101-336)/*ADA* is intended to create broad protection for an estimated 43 million Americans with disabilities with respect to employment, state and local government services, public accommodations, transportation and telecommunications throughout the nation. It gives civil rights protection to qualified individuals with disabilities that are similar to those provided to individuals on the basis of race, sex, national origin and religion.

There are various themes in this legislation that directly affect the way agencies provide leisure services. First, leisure service agency programs, services and activities should be available to persons with disabilities in the most integrated setting possible, i.e., that which is most like the setting in which people without disabilities receive the same service. Public entities may not provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits and services are equally effective. Even when separate programs are permitted, an individual with a disability still has the right to choose to participate in the regular program. State and local governments may not require an individual with a disability to accept a special accommodation or benefit if the individual chooses not to accept it. Also, there should be consumer involvement/input by persons with disabilities.

The *ADA* places an emphasis on providing accessibility to programs, services and activities. The *ADA* includes requirements for new facilities and improvements to existing facilities. Public entities shall operate their programs so that when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities. Reference is made in the *ADA* to requirements for providing reasonable accommodations. These can include, but are not limited to, changes in rules, policies and practices; removal of architectural, communication and transportation barriers; and the provision of auxiliary aids and services.

Another reason the *ADA* is having a major impact is the amount of publicity it has received, and is continuing to receive, nationwide. The general public and service providers are becoming much more aware of the needs and concerns of persons with disabilities. Also, consumers with disabilities are becoming much more aware of their rights to access with respect to employment, public services and places of public accommodation. Consumers are also becoming much more knowledgeable of specific legislative requirements for agencies and businesses and are more assertive in ensuring that true access is provided to them through available legal remedies.

Parks and recreation planners and service providers have a responsibility to increase their knowledge about accessibility requirements and the *ADA*. Related information and technical assistance are available from various federal and private agencies. Finally, they have a responsibility to comply with required regulations and do whatever is necessary and reasonable to provide high quality recreational choices accessible to all citizens, including those with disabilities.

Adherence to legislative requirements increases the accessibility of recreational facilities for most persons who have physical disabilities. However, there are still many situations where the requirements do not guarantee accessibility. Recreational providers need to be aware of these situations in order to develop provisions in their policies to compensate for some of these shortcomings. Some of these problems and related recommendations are outlined below.

Recommendations

- Existing standards only outline the minimum specifications that must be met for general "handicapped accessibility" or universal design. In many instances, exceeding these standards is desirable to help make facilities more usable to everyone. For example, there are specific slope requirements for the maximum allowable grade on a ramp. These requirements are to ensure the minimum acceptable standards for accessibility. Complying with these standards can still result in a ramp with a slope that is too steep for many persons to negotiate. In this situation, exceeding these standards by lowering the grade on a ramp even further would actually help make it accessible to more persons.
- In the past many agencies were not required to meet these standards. Therefore, it was imperative that every outdoor recreational provider took responsibility above and beyond what was required for adopting barrier-free site design standards and setting forth policies for enforcing compliance. There are many instances where this did not occur, and facilities are still in use today that are inaccessible to a large number of people.
- Many buildings and facilities constructed prior to 1968 are not generally accessible unless planners/managers of the facility had the foresight to plan for accessibility or upgrade the facility to make it accessible.
- At this time there are no final requirements published for some of the key park and recreational facilities such as campgrounds, picnic areas, trails, swimming and fishing areas, and playgrounds. Since standards for these types of facilities are still being developed, persons with disabilities are often denied the opportunity to participate in outdoor recreational experiences with their non-disabled family members and friends.
- Until specific outdoor recreational standards are finalized and incorporated into the *ADA* standards, it is critical that outdoor recreational providers seek other sources of information that provide guidelines for making these types of facilities accessible to everyone. These sources include: draft standards put out by The Access Board, various technical assistance publications on the subject, experts working in disability-related professions, and persons with disabilities. People with disabilities should be directly involved with facility design to help increase the functionality of the facility.

Senior adults

The senior adult population is another rapidly growing segment of society with special needs that should be considered in planning recreational programs, services and facilities.

Some senior adults have disabilities, and many of the issues and concerns addressed in the previous section apply to them. Many senior adults do not have disabilities, but may have unique leisure needs or situations. Some of these needs may be attributed to changes related to the aging process (i.e., physical or mental changes such as reduced vision, hearing, poor balance, low stamina); changes in their living environment (i.e., moving from a private residence to a planned retirement community, life care setting/adult home, nursing home); accident safety concerns

related to reduced agility and poor balance; or crime safety concerns, such as the fear of leaving home because of crime targeted at senior adults.

Any modifications made to improve accessibility to recreational programs, services and facilities for persons with disabilities will also improve access for the senior adult population. In addition to the accessibility issues identified earlier, there are other areas that should be taken into consideration in recreational planning for this population. Some of these are outlined below.

- The senior adult segment of society is rapidly growing. Therefore, concerns or needs of this population have an even greater significance to recreational planners.
- This population generally has large amounts of leisure time.
- Most seniors have a better than average amount of discretionary income to spend on leisure pursuits.
- Senior adults are living longer than ever before, which means that they represent a larger segment of the population that will be living with even more years of forced retirement/leisure.
- The vast majority of senior adults (estimated at 95%) reside in the community. However, some live in adult homes, nursing homes or life care settings. The life care setting concept is growing in popularity. It provides a continuum of care for residents progressing from an independent to a more dependent living situation.

New ADA guidelines being developed by The Access Board

Outdoor developed areas

In the near future, the Access Board plans to propose new guidelines for outdoor developed areas, including trails, beach access routes, and picnic and camping sites. The guidelines will be responsive to the need for greater guidance in this area since issues of terrain and limited levels of site development have raised many questions on how, and to what extent, access is to be achieved. The upcoming proposal will focus specifically on outdoor developed areas owned or managed by the Federal government. Once published, it will be available for public comment.

The proposed guidelines will include detailed criteria for newly constructed and altered trails that will cover running slope or grade, cross slope, width, surface, passing space, edge protection, and signs. Provisions will also address beach access routes and elements of picnic and camping sites, including picnic tables, fire rings, cooking surfaces and grills. The specifications will be based on consensus recommendations from an advisory body the Board had previously chartered, the Outdoor Developed Areas Regulatory Negotiation Committee.

In developing new guidelines, the Board typically must complete a comprehensive assessment of their estimated costs and impacts. This necessary step can be challenging in rulemaking that breaks new ground by covering access to areas not previously addressed by an accessibility guideline or standard. This has been especially true in the case of guidelines for outdoor

developed areas, which have been delayed due to work involved on completing a cost assessment. Determining the number and range of outdoor sites across the country that would be impacted by new guidelines when developed or redeveloped has been particularly challenging.

The Board intends to build on this work with a follow up rulemaking devoted to non-Federal sites owned or operated by state and local governments or private entities subject to the Americans with Disabilities Act (ADA). Information collected during and through the rulemaking on Federal lands will be used to advance the follow-up effort on ADA-covered sites. For further information, contact the Access Board.

The U.S. Forest Service is in the process of implementing a directive that would address access to lands under its management. In a notice published in the Federal Register on February 17th, the Forest Service outlined its plan to apply guidelines based on recommendations from the Board's Outdoor Developed Areas Regulatory Negotiation Committee and supplemented by the Forest Service to ensure the agency's continued application of universal design, as well as agency terminology and processes. The Board intends to work cooperatively with the Forest Service so that the guidelines for Federal outdoor developed areas, including the Forest Service's guidelines, can be completed and finalized jointly in the near future. For further information on the Forest Service's proposed guidelines visit its website at www.fs.fed.us/recreation/programs/accessibility

The **National Trails Surface Study** is primarily the result of questions that the National Center on Accessibility has, for many years and continues to receive from organizations, agencies and individuals who desire to make their trails accessible; are interested in an unobtrusive surface that blends and is friendly to the environment; and provides a quality trail experience for people with and without disabilities. In the past, there have been a number of studies that have looked at alternatives to asphalt and concrete as suitable materials for making trails accessible to people with disabilities. Most notably, the USDA Forest Service and the U.S. Department of Transportation, Federal Highway Administration has for years been conducting research on various stabilization and other products as possible uses for trail stabilization. In 2004, the National Center on Accessibility adopted protocols for a National Trails Surface Study, and the research is currently underway.

Recreation facilities

This rulemaking covers various recreation facilities, including amusement rides, boating facilities, fishing piers and platforms, golf courses, miniature golf, sports facilities, swimming pools and spas. It provides both scoping requirements, which specify what has to be accessible, and technical requirements, which spell out how access is to be achieved. These guidelines will supplement ADAAG, which addresses a wide range of facilities but does not cover these types of recreation facilities in any particular detail.

Play Areas

In May 2001, The Access Board published the Guide to ADA Accessibility Guidelines for Play Areas. These guidelines establish minimum accessibility requirements for newly constructed or altered play areas under the *Americans with Disabilities Act*. The guide is one of the first to provide a comprehensive set of criteria for access to play areas. It covers the number of play components required to be accessible, accessible surfacing in play areas, ramp access and

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transfer system access to elevated structures, and access to soft contained play structures. The guidelines address play areas provided at schools, parks, childcare facilities (except those based in the operator's home, located at amusement attractions and or associated with religious entities which are exempt), and other facilities subject to the *ADA*.

Summary

The ADA is a major civil rights law prohibiting discrimination on the basis of disability. It establishes design requirements for the construction or alteration of facilities. It covers facilities in the private sector (places of public accommodation and commercial facilities) and the public sector (state and local government facilities). Under the ADA, the Access Board is responsible for accessibility guidelines covering newly built and altered facilities. In 1991, the Board published the ADA Accessibility Guidelines (ADAAG) which served as the basis for standards used to enforce the law. The new guidelines overhaul the original ADAAG. The requirements for recreation facilities will become mandatory as DOJ incorporates them into its *ADA* standards. In the interim, the public may consult the new guidelines as a reference in providing access to recreation areas.

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The National Center on Accessibility is a global leader promoting the full inclusion of people with disabilities in parks, recreation and tourism. Since 1992, NCA has conducted training, provided technical assistance and conducted research to increase awareness and promote inclusion of people with disabilities in all aspects of recreation.

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Other Web resources of interest:

For a list of disability related resources in Virginia, try website:

<http://www.disabilityresources.org/VIRGINIA.html>

Department of Justice <http://www.usdoj.gov/> has an entire section of their website devoted to legislation related to people with disabilities and various policy issues.

University of Illinois at Chicago, Institute on Disability and Human Development, <http://www.uic.edu/orgs/idhd/> is a good example of a creative website devoted to providing a comprehensive list of resources to assist persons with disabilities.